

RIBAUT ISLAND PROPERTY OWNERS ASSOCIATION

DESIGN REVIEW COMMITTEE

DESIGN GUIDELINES

REVIEW PROCEDURES

RULES & REGULATIONS

FOR THE CONSTRUCTION OF BUILDINGS AND PROPERTY IMPROVEMENTS

SUBJECT TO ALL AMENDED
LAND USE RESTRICTIONS
PROTECTIVE COVENANTS
BUILDING STANDARDS

2020

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SECTION I

THE INTENT OF THE DESIGN REVIEW PROCESS

1.0 Statement of Principles and Purpose

- 1.1 Significant effort was given to the master planning of Ribaut Island to ensure a thoughtful and harmonious development process. A major concern in the planning is the integration of development with its immediate environment. The Ribaut Island Property Owners Association (RIPOA) believes that man-made improvements should, as much as possible, blend with nature rather than stand in stark contrast with it. The result is a development more pleasing to the eye and a more attractive community in which to live.
- 1.2 In order to assure that these objectives are achieved and to assure a continuity of physical development such that future development will be compatible with existing development, the Ribaut Island developer declared and recorded the Declaration of Covenants, Conditions, Restrictions and Easements for Ribaut Island (the “Covenants”). Article X of the Covenants establishes the Design Review Committee (“DRC”) and sets forth its jurisdiction, powers, obligations and the rules and regulations under which it will conduct its review of proposed improvements. Any statements contained in this document are to condense and clarify the provisions of those Covenants. In the event of a conflict, the Covenants’ provisions will prevail.
- 1.3 The applicant for construction of a home is urged to carefully review all provisions of the Covenants and these Guidelines prior to submitting an application to the DRC.
- 1.4 The DRC has been established for the purpose of defining aesthetic standards of construction on Ribaut Island and examining and approving or disapproving any and all proposed improvements for a building site on Ribaut Island, including but not limited to: dwellings, garages, outbuildings or any other buildings, construction or installation of sidewalks, statuary, driveways, playhouses, awnings, walls, fences, docks, wharves, rip-rap, bulkheads, boat slips, exterior lights, any exterior addition to or change or alteration to existing structures, including without limitation painting or staining of any exterior surface, original landscaping and any significant change to the original landscape plan. The DRC approval must be obtained for dredging and fill operations, shaping of land areas and drainage. No live trees measuring three (3) inches or more in diameter at a height of two (2) feet above ground level may be removed without the approval of the DRC. When site plans are approved, the tree and topographic survey notes which trees may be removed and are usually only those necessary to construct the house, patio and driveway. Architects and residential designers should use every effort to locate the footprint of the house so that it results in the minimum number of trees being removed.

1.5 Whenever possible, each provision of this document shall be interpreted to be valid and effective under applicable law, but if any provision of this document is prohibited, invalid, or unenforceable under any particular circumstances, that provision shall be ineffective only to the extent of the prohibition, invalidity or unenforceability, without invalidating that provision under any other circumstance or invalidating the remaining provisions of this document.

1.6 Limitation of Liability Regarding Architectural Approval.

Review and approval of any application pursuant to the Guidelines may be made on any basis, including aesthetic considerations, and neither the RIPOA nor the DRC shall bear any responsibility for ensuring the quality, design, structural integrity or soundness of approved construction or modifications, nor for ensuring compliance with building codes and other governmental requirements. Neither the RIPOA, the DRC, nor any member of any of the foregoing shall be held liable for any injury, damages, or loss arising out of an approval or disapproval of any plan or application or the manner or quality of approved construction on or modifications to any lot.

1.7 Abbreviations and Definitions:

- a. Administrator – The Administrator of the Design Review Committee
- b. AMSL – Above Mean Sea Level
- c. ARB – Hilton Head Plantation Property Owners Association Architectural Review Board (Also HHPPOA ARB)
- d. CCL – Coastal Critical Line
- e. Covenants – All amended Land Use Restrictions, Protective Covenants, Building Standards of the Ribaut Island Property Owners Association latest issue
- f. DHEC – Department of Health & Environmental Control
- g. DRC – Design Review Committee – the committee appointed by the RIPOA Board of Directors to oversee and implement the provisions of the Guidelines.
- h. Guidelines – Design Guidelines, Review Procedures and Rules and Regulations for the Construction of Buildings and Property Improvements - latest issue
- i. HHP – Hilton Head Plantation or “the Plantation”
- j. HHPPOA – Hilton Head Plantation Property Owners Association
- k. Horizontal Construction – Any part of the construction or site improvement that is eighteen (18”) or less in height above the finished grade
- l. MSL – Mean Sea Level
- m. OCRM – Office of Coastal and Resource Management
- n. POA - Hilton Head Plantation Property Owners Association
- o. RIPOA – Ribaut Island Property Owners Association, hereinafter referred to as RIPOA
- p. RIPOA Board of Directors or Board or BOD – the governing body of the property owners of Ribaut Island Property Owners Association

- q. Roadway – Width of asphalt driving surface ending at the concrete curb

- r. SC – State of South Carolina
- s. Setback Line – A line at a predetermined distance within and parallel to the rear and side property lines. The front setback line is measured from the roadway.
- t. Setback Area – That area between the property lines and the required setback lines
- u. Town – The Town of Hilton Head Island, SC
- v. Vertical construction – Any part of the construction or site improvement, other than live landscaping, which is over eighteen (18”) or more in height above the finished grade.

SECTION II

THE REVIEW PROCESS

NOTE: ALL OWNERS, ARCHITECTS, ENGINEERS, DESIGNERS/BUILDERS, CONTRACTORS AND DEVELOPERS SHALL HAVE RECEIVED, READ AND UNDERSTOOD THESE GUIDELINES AND AGREED TO COMPLY WITH THEM, AS APPLICABLE, PRIOR TO SUBMITTING ANY CONSTRUCTION PROPOSAL FOR DRC REVIEW.

- 2.1 Five (5) sets of dated preliminary printed plans must be submitted along with five (5) printed copies of the completed Application for Approval of Residential Construction (Appendix A).
 - 2.1.1 Plans must be submitted at least seven (7) working days prior to the scheduled DRC meeting.
 - 2.1.2 Plans must be submitted to the DRC Administrator.
 - 2.1.3 Plans will be stamped as to the date of receipt by the DRC Administrator.
 - 2.1.4 Mirror images of original plans will not be reviewed. Print copies only are acceptable.
 - 2.1.5 The DRC encourages originality and discourages the use of stock designs.
 - 2.1.6 For extensive, complicated designs, the DRC recommends, and may require, the submittal of a model to help visualize the scope of the project.
 - 2.1.7 Photographs of the property viewed from both the front (road) and rear shall be included in the first submission for new construction. These photographs must clearly show the adjacent properties on each side whether improved or unimproved.
 - 2.1.8 A registered professional (licensed) architect or engineer or a qualified and experienced residential designer shall prepare construction and landscape plan submissions.
 - 2.1.9 The Property Administrator will be notified by the DRC of exterior work to be done on a homeowner's property. As a courtesy, the DRC will send notification through the Property Administrator to affected surrounding neighbors. The DRC will determine who shall be notified.
- 2.2 Schematic Presentation/Architectural Renderings
 - 2.2.1 At the discretion of the applicant, an artist's rendition or a schematic rendering of a proposed construction may be submitted to the DRC in order to determine the suitability of a particular style or a design for construction on Ribaut Island. The DRC will render

an opinion as to whether or not a particular design would be acceptable. Because an artistic rendering is not always an accurate depiction of a design scheme, the DRC's opinion will be strictly non-binding and will be offered only in an effort to save an applicant's time and expense in pursuing a design that could ultimately be disapproved.

2.3 Preliminary Plans

- 2.3.1 Preliminary Plan submission is recommended to resolve potential problems before going to the time and expense of final construction drawings. Preliminary approval does not constitute approval for lot clearing or construction. In the event of disapproval, specific reasons will be provided by the DRC.
- 2.3.2 Preliminary Plans may be schematic as to architecture, and shall include, but not be limited to:
- a. A completed, signed and dated "Application for Residential Construction" accompanied by the appropriate design review fee.
 - b. A site plan showing a tree and topographic survey at scale: 1/8" equals 1'
 - c. Site plan to scale indicating all structures and other improvements to be included in construction
 - d. Four (4) major elevation drawings at scale: 1/4" equals 1'
 - e. Indication of colors and materials
 - f. Wall sections and details as necessary to interpret the plans, elevations and features that are of concern
 - g. A boundary survey of existing property
 - h. Floor plan(s) at a scale: 1/4" equals 1'
 - i. Trees to be removed shall be marked and on the site shown by a red ribbon.
- 2.3.3 The building drip line shall be marked by batter boards and the driveway location shall be marked by string at the time of submission of the preliminary plans in order that the DRC can review the site.
- 2.3.4 The DRC has the option of requesting additional information that may be necessary to complete a Preliminary Plan Review.
- 2.3.5 The results of these reviews are for the property owner, architect, designer, and general contractor information only and are in no way binding on the DRC to subsequently approve any other aspect of the project.

2.4 Final Plans

- 2.4.1 Three (3) sets (unless additional sets are requested by the DRC) of final plans in complete form must be submitted in order to gain approval to commence with any construction on a building site. Final plans must include:

- a. A tree and topographic survey and boundary survey sealed by a South Carolina licensed surveyor
- b. Property lines with measurements, Coastal Critical Line (CCL), and average high water mark line, if applicable, required setback lines, lot corner grade elevations, edge of road grade elevations, spot grade elevations at the center of the lot and midway along each property line, culvert invert elevations and the finished floor elevation of both the house, the garage and all horizontal construction.
- c. Electrical plans showing all exterior lighting and outlets, including wall and post mounted units and landscape lighting circuits. Plans must also show location of the electric meter in the service yard and the house main distribution/breaker panel(s),
- d. Fill plan if any (indicating run off and tree preservation method)
- e. Service yards
- f. Roof plan
- g. Foundation plan
- h. Access from the street, walkways, driveways and other exterior improvements
- i. All trees to be removed
- j. Contours in one-foot increments of both existing and proposed new finished grades
- k. Direction of drainage with spot finished grade elevations
- l. A footprint of all new proposed vertical and horizontal construction located by dimensions from the property lines
- m. Edge of the roof overhang shown as a solid line and the walls below as broken lines
- n. All proposed equipment structures
- o. Materials to be used for driveway, walks, patios, steps, decks and pool decks
- p. Locations of all existing conditions including roads, open space, easements, swales, ditches, bulkheads, retaining walls, designated wetlands and open water
- q. Locations of all adjacent existing structures and homes including finished floor elevation for each, adjacent driveways, walkways, and patios.
- r. Location of contractor's identification sign and portable outdoor toilet facilities
- s. Buried or stored propane tanks
- t. An estimated work schedule for completion of building construction

2.4.2 Architectural drawings must include:

- a. Total amount of enclosed heated/air-conditioned square footage (stated by floor in case of a multi-floored residence)
- b. Fully dimensioned floor plans including an exact computation of the square footage of each floor
- c. Elevation drawings of all sides indicating existing grade, fill and finished floor level and including treatment of building from grade to floor in elevated buildings and roof elements
- d. Detailed drawings of typical wall sections, privacy wall section, entry porch detail, screen porch wall section, if applicable, and other details desirable for clarification, including service yard walls, planters, pools, etc.

- 2.4.3 Samples of exterior building materials and colors must be submitted at the time final plans for construction are submitted to the DRC. Samples are to be submitted on a single board no smaller than 8.5” wide and 11” long. Bricks, pavers, mortar and like masonry materials must also be submitted if applicable. All samples must be of the actual materials. A field sample board may be required by the DRC for onsite color review.
- 2.4.4 Landscape plans, to scale, indicating number, size and names of specimens to be installed must be submitted, as well as designation of grass lawn areas and natural areas. Landscape plan must be drawn over the drainage plan and show finished grade contours.
- 2.4.5 Drainage plan, to scale, must be prepared, submitted, signed and sealed by a State of SC professional architect, landscape architect, or registered engineer. This applies to both the site plan and landscape plan. The following statement must appear on the plans:

“All drainage indicated on this site plan is designed to meet the requirements of the master drainage system for this subdivision. Drainage shall be directed away from adjoining lots.”

The following must be clearly indicated: House and garage finished floor elevations, finished grade contours in one foot (1’) increments, finished grade spot elevations at all corners and along property lines, swales, berms and ditches with spot elevations and contours, direction of arrows of drainage flow, spot elevations at the edges of all paving and any other control features that are applicable.

- 2.4.6 Lots abutting marsh or water must indicate the coastal critical line (CCL) at the time of submission. Any planned construction within twenty feet (25’) of the CCL must have a current DHEC and Ocean Coastal Resource Management and the Town of Hilton Head sign-off prior to submission to the DRC for final approval.

2.4.7 Details

Where applicable and unless otherwise shown, the following details should be provided at a scale no smaller than 1 inch equals 1 foot.

- a. Foundations and piers
- b. Cornice and gable rakes: overhang dimensions, overall dimensions and materials
- c. Chimney termination
- d. Corner trim dimensions and materials
- e. Door and window trim including head, jamb and sill dimension and materials
- f. Porch and deck framing including posts, columns, railings and stairs
- g. Entry and other exterior stairs and railings
- h. Columns and pilaster
- i. Lattice detail dimensions and spacing
- j. Louver detail
- k. Banding and frieze details
- l. Service yard enclosures

2.4.8 Schedules

The following schedules are required:

- a. Window schedule – type, size, color and manufacturer
- b. Door schedule – type, size, color and manufacturer
- c. Electrical symbols (on electrical plan)

2.4.9 Swimming Pool Submittal Requirements

The site plan for a swimming pool must be submitted as part of the final review and shall include the following:

- a. A site plan to scale showing, by dimension, the relation of the pool and pool deck to the property lines, setback lines and house. Show existing and new finish grade contours, drainage flow and tree removals
- b. Photographs of the area of the proposed pool including the existing landscape, trees and natural growth
- c. Pool and pool deck dimensions
- d. Elevation (AMSL) of pool deck and finish floor elevation
- e. Locations of stairs or steps from house to pool deck
- f. Location of all pool equipment
- g. Structural section through pool and deck indicating depths and materials
- h. Samples of materials with proposed colors: tile, coping and deck finish
- i. Landscape changes and additions
- j. Locations and types of pool and deck lighting
- k. Define other features: spa, waterfall, etc.
- l. Describe disposal of excavated earth

If a pool enclosure is proposed, submit the following details:

- Dimensioned Floor Plan
- Elevation drawings of all exposed sides showing the relation to and interface with the house.
- Actual samples of all materials and colors
- Also refer to 5.15.9 for Design Guidelines

2.4.10 Variances

The DRC has the authority to and may occasionally grant certain variances when there is valid justification and where the variance does not have a negative impact on the adjacent properties or the neighborhood.

All variances from these Guidelines which are requested must be submitted in writing with a substantial justification narrative along with the Application for Approval of Residential Construction (Appendix A).

If, during a design review, the DRC discovers a variance that has not been requested, the submittal may be disapproved.

No variance can be granted which does not comply with codes, ordinances, rules or regulations of any applicable municipal or state governing authority.

2.5 Complete Submission

Any submission that does not include required fees and deposits, plans, materials, applications, and other items as required by this section will be rejected by the Administrator and will not be placed on the agenda until all requirements have been met. Rejected submissions must be resubmitted seven (7) working days in advance of the next meeting of the DRC.

2.5.1 Other documents to be included for review and approval include the following: Landscape Plan (Appendix D), Drainage Compliance Agreement (Appendix E), and Tree Compliance Agreement (Appendix F).

2.5.2 The Administrator will notify applicant of the DRC review findings and whether or not construction may proceed. At such time as approval is granted by the DRC and the Town of Hilton Head has issued a Building Permit, a Ribaut Island DRC Building Permit (Appendix M) will be issued and the applicant may commence site preparation work.

2.6 Prior to emplacement of permanent improvements, e.g. footings, pilings, slabs, etc., applicant must receive a batter board approval.

2.6.1 Applicant will place batter boards indicating all building areas.

2.6.2 The DRC, upon the request of the applicant, will review the batter boards for conformance with the DRC approved plans and will report its findings to the Administrator.

2.6.3 At such time as the DRC is satisfied as to the conformity of the batter boards and construction plans, a letter of approval will be issued to the applicant by the DRC Administrator.

2.7 Final Approval and Certification Prior to Occupancy

2.7.1 At such time as the applicant has completed all improvements, including landscaping, he shall request a final DRC review.

2.7.2 The DRC will determine if all improvements have been made in accordance with DRC approved plans and will certify its findings to the Administrator.

2.7.3 Upon certification that all improvements have been satisfactorily completed, including landscaping, the Administrator will release all funds held in escrow less any fees and violation fines.

2.7.4 The Administrator will issue a final approval certificate/letter.

SECTION III

PAYMENT OF FEES

- 3.1 A nonrefundable fee must accompany any application noted below that is submitted to the DRC for review/approval. Preliminary submissions require payment of the review fee. No submittal will be accepted for DRC review without the required fees paid as follows:
- Single family residence - \$1,200
 - Major additions - \$1,000
 - Demolition (50% or more of structure) - \$1,000
- 3.1.1 The fees will be payable at the time of a first plan submission.
- 3.2 The fees may be increased or decreased or waived from time to time at the sole discretion of the DRC.

SECTION IV

POSTING DEPOSITS

- 4.1 The DRC requires that an Owner place in deposit with the DRC, the sums identified below in order to assure the completion of all improvements, including landscaping, and to the satisfaction of the RIPOA that the roads, curbs and rights-of-way are in, or have been restored to, the original condition prior to construction. In the event that such improvements or landscaping are not completed within the prescribed period, the DRC shall be entitled to collect or enforce any payment required so as to ensure the proper completion of any such improvements. Furthermore, the DRC shall be entitled to retain any sums so held in escrow as a penalty for such failure to complete. See Appendix K for detailed description of deposit requirements.

Escrow Deposits:

The owner shall deposit the following amounts in escrow with the DRC prior to issuance of a Ribaut Island building permit.

- For new construction or demolition, a deposit of \$5,000;
 - For significant additions or alterations requiring foundation work or a pool installation, a deposit of \$1,000;
 - For minor alterations, a deposit of \$500.
- 4.1.1 The DRC shall have the right to assess a homeowner and/or contractor one hundred (\$100) dollars for every day the house is not complete beginning twelve (12) months after commencement of construction. The date of commencement of construction is the date of issuance of a building permit by the Ribaut Island DRC.
- 4.1.2 The DRC shall have the right to assess a homeowner and/or contractor one hundred (\$100) dollars per day for every day that landscaping is not substantially complete at the time of issuance of certificate of occupancy.
- 4.2 Upon completion of construction and all improvements to the satisfaction of the DRC, all funds held in escrow less fines and fees will be returned to the Owner.
- 4.3 The DRC requires that the general contractor and landscape contractor place with the DRC a compliance deposit as follows:
- The general contractor in the amount of \$5,000
 - The landscape contractor in the amount of \$1,000.

The deposit shall be refunded less any fines and fees levied during construction, after the driveway and road drainage, final grade and landscape inspections have been completed and approved. This deposit is the DRC's assurance that all rules and regulations will be followed.

SECTION V
DESIGN GUIDELINES

5.1 Building Heights

No structure shall be constructed which has a height exceeding 40 feet (40') to the highest roof peak or ridge, as measured from the lowest point of finished grade at the perimeter of the structure (usually the garage floor) without an approved variance from the DRC.

5.2 Building Size

All single family homes shall have a **minimum** of three thousand six hundred (3,600) square feet of heated living space of which at least two thousand four hundred (2,400) must be on the first floor. It is required that the ratio of first floor heated living space to lot area not exceed 30%. **Maximum** building sizes are not established; however, the DRC will consider the bulk and mass of the structure and may, at its sole discretion, disapprove a submittal that is inappropriate for the site. Since bulk and mass is a volumetric perception, second story living spaces (including bonus rooms over garages) shall also be included in the decision.

5.3 Flood Requirements

All residential structures constructed on a lot shall:

- i) Have as a minimum first floor elevation at the level of the 100 year flood elevation as designated on official Beaufort County flood plain maps on file with the Town of Hilton head Planning Commission.
- ii) Be designed and constructed in compliance with the requirements of the Town of Hilton Head Building Code.

5.4 Service Yards

At least one service yard is required at each residence. The service yard should be adequate in size to contain all outside equipment and storage, including, but not limited to, heat pump compressors, electric meter, water treatment equipment, propane tanks, swimming pool pumps, filters, heaters, any exposed piping, irrigation system controls, two (2) thirty (30) gallon trash receptacles, and any equipment not otherwise stored within enclosures.

The service yard shall have a concrete floor and visually solid enclosing walls not less than six (6) inches above the enclosed equipment, be of the same color as the adjacent house siding, and have a latched access gate.

The location(s) shall be planned to be as visually unobtrusive as possible, utilizing house walls and offsets wherever possible, while providing convenient access for trash removal.

Service yards at the front of the house are not recommended and may not be approved. If approved, service yards are considered a part of the main structure, must be entirely within the required front setback area and must be designed to blend with the overall design of the structure.

A service yard can encroach into the setback area but shall be no closer to the side property lines than twelve (12) feet.

Landscape plantings alone cannot be used to screen exterior equipment.

5.5 Building Setbacks

No vertical construction, other than roof overhangs, will be permitted within building setback areas. The minimum setbacks are twenty (20) feet from each side or rear lot line, twenty (25) feet from the Coastal Critical Line and sixty (60) feet from the front entrance roadway. Roadway is defined as the point at which the curb meets the blacktop.

The DRC may grant a variance to the imposed setback restrictions based on careful consideration of all aspects of a building plan and the integration of improvements proposed with a particular building lot and adjacent lots. Any variance request must be submitted in writing per 2.4.10

- 5.5.1 The DRC may require greater setbacks to maintain continuity with the locations of adjacent dwellings, to reduce the impact of the height of a structure from the street, or to prevent the obstruction of views from adjacent properties.

5.6 Tree/Landscape Policy

Approval for landscaping plans will be granted in accordance with the following provisions.

- 5.6.1 Only the use of Town of Hilton Head certified irrigation specialists will be acceptable.
- 5.6.2 Landscaping plans must designate the areas to be covered by grass, mulch or other ground cover.
- 5.6.3 The DRC reserves the right to disapprove any type of grass it believes unsuitable for planting in a certain location.
- 5.6.4 No hedge or shrubbery planting which obstructs a driver's view of the roadways shall be permitted.

5.6.5 Tree Removal

After the approval of the site stakeout inspection and during all of the construction phase, no tree greater than three (3) inches in diameter measured at two (2) feet above grade and more than ten (10) feet from any vertical construction or more than five (5) feet from any horizontal construction shall be removed without an onsite inspection and approval of the DRC. Note: Appendix F – Tree Compliance Agreement.

Once the construction and all inspections have been completed, further requests for tree removals are to be directed to the RIPOA DRC Administrator. Requirements are described in Appendix H – Tree Removal Application/Permit.

5.6.6 The DRC may grant a variance to the imposed tree restrictions based on careful consideration of all aspects of preserving specimens.

5.6.7 Deliberate or erroneous removal of trees without DRC approval will result in a fine and/or required mitigation to the owner and/or contractor.

5.7 Horizontal Improvements

Any horizontal improvement (emplacement of a permanent structure less than 18” above finished grade) must be approved by the DRC.

5.7.1 Horizontal improvements may not be placed closer than five (5) feet to any property line.

5.8 Mail and Newspaper Boxes

5.8.1 Mail and newspaper boxes shall be purchased from the RIPOA to conform to those approved for use by RIPOA.

5.8.2 The homeowner will bear the cost of the boxes, nameplates, and the cost of materials and labor to install the boxes.

5.8.3 Homeowners will bear the cost of repairs and maintenance of the boxes to assure they remain in good condition.

5.9 Nameplates

5.9.1 Nameplates, only, will be permitted to be mounted on the RIPOA approved mailboxes and are limited to a maximum of twenty eight (28) letters and spaces. Homeowners will purchase a nameplate directly from the mailbox supplier at the supplier’s current retail price.

5.10 Wells

5.10.1 Wells for landscape irrigation operation are not permitted.

5.11 Walls

5.11.1 Walls must be approved by the DRC.

5.12 Drainage

5.12.1 The use of gutters and downspouts or other approved roof drainage systems must be approved by the DRC.

5.13 Bulkheads

5.13.1 The location of bulkheads must be approved by the DHEC Office of Coastal Resource Management (OCRM) in writing and be current.

5.13.2 Bulkhead construction materials must be approved by the DRC.

5.13.3 Returns are to be built at the ends of bulkheads extending a minimum of eight feet (8') into the applicant's property or, if adjoining lots are bulk headed, be structurally connected to the existing bulkhead.

5.13.4 Any natural vegetation destroyed during construction must be restored after the bulkhead is completed and backfilled.

5.13.5 Submittals: Design drawings showing an elevation as viewed from the exposed (water) side and a cross section showing the assembly of the bulkhead, a site plan location drawing showing a current tree and topographic survey of the affected area and planned mitigation shall be provided to the DRC.

5.14 Driveways and Paving

5.14.1 Driveways shall be paved with concrete, textured concrete, brick or concrete pavers. Asphalt driveways are not permitted.

5.14.2 Driveways must be curved wherever possible.

5.14.3 Any straight portions running parallel to a property line must be a minimum of five feet (5') from the property line.

5.14.4 Curved portions must be held a minimum of three feet (3') off the property line at the tangent point.

5.14.5 Driveways should maintain an inside turning radius of fifteen feet (15') minimum for side or rear entry garages.

- 5.14.6 The flair of the driveway at the roadway must be held within the side property line projected to the road paving.
- 5.14.7 The driveway width at the front of the property should not exceed twelve feet (12') except at the flair at the roadway.
- 5.14.8 Off street parking must be provided for at least two (2) vehicles on hard surface paving excluding in garage parking.
- 5.14.9 Entry sidewalks shall be of hard surface paving and shall be curved wherever possible.

5.15 Pools

- 5.15.1 Pools shall include swimming pools, lap pools and decorative landscape pools.
- 5.15.2 Pools shall be of permanent construction and may not encroach into any setback.
- 5.15.3 The outer edges of any pool deck shall be no closer than ten feet (10') to a property line.
- 5.15.4 Swimming pools and lap pools must be located directly behind the dwelling. Front, side yard and rear corner locations may not be approved.
- 5.15.5 The location of pool equipment shall be shown within a service yard or other enclosure.
- 5.15.6 Pool backwash water shall not drain directly into a marsh, lagoon or the plantation drainage system. Backwash must be disposed of onsite using a French drain or other construction.
- 5.15.7 Compliance. It shall be solely the property owner's responsibility for compliance with all applicable Town of Hilton Head and/or Beaufort County codes, rules, regulations or insurance company construction and safety requirements pertaining to pools, spas and hot tubs.
- 5.15.8 Liability. Neither the RIPOA nor the DRC shall be held liable in any way for any ensuing legal litigation pertaining to pools, spas or hot tubs.
- 5.15.9 Pool enclosures are considered vertical construction and shall not encroach into the required setback areas. Pool enclosures must be architecturally designed to ensure compatibility with the house design. The framing and screen color or other enclosure material must blend and be in harmony with the exterior color of the house. High contrast colors may not be approved. Prefabricated enclosures will not be approved.

5.16 Roofing Materials and Enclosures

- 5.16.1 Roof pitch. Roof pitch shall not be less than a ratio of 6:12 except on double pitch roofs, where the lower pitch may be no less than 4:12.

5.16.2 Overhangs. Cornice and gable overhangs shall be appropriate for the proportions and style of the house and consistent throughout the design. Overhangs shall be measured from the outside face of the sidewall frame and the horizontal plane of the soffit excluding fascia trim as follows:

- Main cornice shall not be less than twelve inches (12") and
- Major gable rakes shall be not less than eight inches (8").

5.16.3 Approvable Materials

- Asphalt/fiberglass shingles – Class A, minimum 40 year warranty, fungus resistant
- Standing seam metal – 16 ounce copper, factory finish paint or terne metal only
- Wood shakes – Acceptable but not recommended. Fire retardant treatment is required and assembly must be in accordance with Town Code.
- Concrete shingles with a minimum of a thirty-year warranty.
- Additional materials may be considered on a case-by-case basis.

5.16.4 Flat roofs (2:12 pitch or less). Flat roofs are not recommended because of aesthetics, drainage problems, debris collection and maintenance. Flat roofs may be acceptable if they are a minor element that blends into the overall design and drainage plan.

5.16.5 Any additional roof attachments such as skylights, solar tubes and panels, and exhaust fans must be approved by DRC.

5.17 Exterior Finish Materials, Details and Features

5.17.1 Exterior finish materials and feature details such as entrance porticos, bay windows, etc., shall be appropriate and in harmony with the design of the structure and shall be consistent throughout. A mixture of design details and strong identifying features will not be approved. Caution should be exercised in the use of keystones, columns and multiple window styles.

5.17.2 Acceptable siding materials

- Acceptable exterior materials include vertical or horizontal wood siding, stucco, brick, stone, and rough-sawn or smooth wood trim.
- Manufactured cement-based horizontal materials. Samples of these components must be submitted for DRC review.
- Vinyl, aluminum siding and trim, and plywood (T1-11) are not permitted.

5.17.3 Finished surfaces. All exterior surfaces eight inches (8") or more above the finished grade shall be finished with an appropriate material. Formed concrete, concrete block or other masonry except brick, shall have a stucco finish. Paint is not acceptable on concrete or masonry surfaces.

5.18 Exterior Colors

5.18.1 No exterior color shall be applied to any new or existing construction without the submittal and approval of an Application of Approval for Residential Construction (Appendix A) or Application for Approval for Exterior Alteration (Appendix J). For new construction, colors and samples must be included for final review.

5.18.2 Exterior color approval is required for the following:

- Roofing
- Wood siding and trim
- Stucco siding and trim
- Fascia
- Soffits
- Columns
- Pilaster
- Quoins
- Front entry door and trim
- Exterior doors
- Garage doors
- Window sash
- Frames and trim
- Window mullions and muntins
- Shutters and all other visible details

5.18.3 Service yards and equipment enclosures shall match the adjacent siding color.

5.18.4 Actual samples, viewed under outside-light conditions, both in sun and in shade should be used as criteria in selection. Avoid using small color chips as basis for selection.

5.19 Repainting/Re-Stucco

5.19.1 Prior to the repainting or re-stuccoing of any existing structure, the property owner or the contractor must submit an Application for Approval of Exterior Alteration (Appendix J) to the DRC with samples of the proposed colors or material requested, even if the selection is believed to be the same as that of the existing color.

5.19.2 No work is to commence until DRC approval notification is issued in writing.

5.20 Re-Roofing

5.20.1 Prior to the installation of any new roof, the property owner or licensed contractor must submit an Application for Exterior Alteration (Appendix J) to the DRC with a sample of the proposed materials. The predominant color of the house siding and trim shall also be stated on the application.

- 5.20.2 No re-roofing work is to commence until DRC approval notification is received in writing. All requirements for exterior colors, as previously stated shall apply.
- 5.20.3 Minor repairs using like materials and finishing does not require approval. DRC must be advised of any work that is to be done.
- 5.21 Windows
- 5.21.1 Windows shall be compatible and appropriate for the style of the residence.
- 5.21.2 Windows shall be consistent in style on all sides of the structure.
- 5.21.3 Single or double hung windows may not be approved unless converted to a multiple pane appearance with the use of muntins (grills or grids) appropriate to the style of the house.
- 5.21.4 Glass with reflective coatings or film shall not reflect over fifty percent (50%) of ambient external light.
- 5.21.5 Decorative stained glass may be acceptable if appropriate for the house design and used sparingly.
- 5.22 Garages
- 5.22.1 Freestanding garages may not be approved. Garages must be structurally connected to the house and appear as an integral part of the structure.
- 5.22.2 Side entry garages are preferred.
- 5.22.3 It is required that a minimum of a two car connected or internal garage be included in the plans.
- 5.23 Above Garage Bonus Rooms
- 5.23.1 An above garage bonus room element shall not be a predominant feature of the overall design. It should blend with the main portions of the house in style, massing, proportions and rooflines.
- 5.23.2 The highest roof ridge or peak shall not exceed the height of the highest point of the main portion of the house and all the roofs shall be connected.
- 5.23.3 An increased setback of the walls of a bonus room, overall height and roofline may be required in order to reduce the impact on the street and/or adjacent structures.
- 5.23.4 Access to a bonus room shall only be from the interior of the main dwelling.

5.23.5 Kitchens or kitchenettes that contain full size kitchen appliances may not be approved. Only bar style sinks, microwave ovens, under counter refrigerators and dishwashers may be installed.

5.24 Free Standing Buildings and Outdoor Living Areas

5.24.1 Free standing buildings may include, but not be limited to, guest suites, cabanas, summer houses, pool houses, living areas that include outdoor kitchens, fireplaces and seating areas. These structures must be located in the rear of the house. All detached structures shall not exceed one story and must not lie outside the setback area. Any detached building that is fully enclosed with solid walls, doors and windows must not exceed 400 square feet, must have the appearance of being connected to the main body of the house through adjoining roofs or hardscape and must have a continuous foundation with the main house and at a similar elevation. The building must be of the same materials and design as the main house and cannot be located more than ten feet (10') from the main house. Section 5.23.5 regarding the inclusion of kitchens and kitchenettes applies.

5.24.2 Outdoor activity areas must be approved by the DRC if permanent features such as installed outdoor kitchens, fireplaces and seating areas are included.

5.25 Recreation Equipment

5.25.1 Recreation equipment includes play equipment that is installed on any part of the property outside of the dwelling, excluding swimming pools, that is not structurally permanent in nature and is used for recreation or play.

5.25.1 Recreation equipment includes but is not limited to, the following: basketball backboard and hoop, swing sets, gym sets, slides or teeterboard (see-saw), soccer goal nets, volleyball net and court, badminton net and court, horseshoe court and sandboxes.

5.25.2 Prohibited recreation equipment includes tree houses, play houses, diving boards or slides for swimming pools.

5.25.3 A request for the installation of any other type of equipment will be reviewed by the DRC on an individual basis taking into consideration the impact on the neighborhood.

5.25.4 Prior to the installation of any recreational equipment, approval in writing from the DRC is required. In addition, basketball backboards and hoops shall require consent signatures from all adjacent neighbors.

5.26 Equipment Enclosures

5.26.1 All exterior equipment not contained within a service yard, including, but not limited to, additional heat pump compressors, pool equipment, water treatment equipment, propane tanks, etc., shall be totally enclosed with visually solid walls to a height of a minimum of

six feet (6') and six inches (6") above the height of any equipment and piping enclosed therein.

5.26.2 Equipment enclosures must blend in with the house.

5.26.3 Landscape plantings alone cannot be used to screen exterior equipment.

5.27 Chimney Terminations

5.27.1 Chimney terminations must be decorative.

5.27.2 If metal windscreens are used, they must be standing-seam design and may be copper, aluminum, galvanized steel or terne metal.

5.27.3 Aluminum and galvanized windscreens shall be painted with a primer coat and a coat of exterior enamel that shall be compatible with the color of the chimney.

5.27.4 Masonry or masonry-look chimneys need not use the metal windscreens if the chimney termination design is decorative and a low silhouette metal flue cap is used.

5.28 Fence and Barriers

5.28.1 No fence, including deer fences, shall be erected on any private property except barriers for exterior swimming pools, spas and hot tubs. Pool barriers may be erected to only enclose swimming pools, spas, and hot tubs for the purpose of preventing unauthorized access.

5.28.2 Pool Barrier Design Guidelines:

Barriers shall totally enclose the perimeter of the pool. Barriers shall be four feet (4'-0") high measured from the top rail to the surface of the deck or ground. Barriers of a visually open type are required outside the setback lines. Stucco components may be acceptable, if appropriate, when combined with visually open sections when outside the setbacks. Additional landscaping may be required around the outside of or beyond the barrier for visual screening. The design, materials, and colors must aesthetically complement the house, and the DRC will judge the design, materials, and colors based on aesthetic appropriateness.

Acceptable Materials, where appropriate, include:

- Wood or metal pickets
- Wrought iron type metal
- Balusters within rigid balustrade framing
- A combination of stucco or masonry elements with visually open wood or metal sections
- No spiked pickets are permitted above the horizontal rail

Unacceptable Materials include:

- Standard chain link with pipe framing
- Metal or plastic slats, boards, or panels

5.28.3 Submittal Requirements

1. A dimensioned site plan showing the locations of the following:
 - Property lines
 - Setback lines
 - Pool, spa, or hot tub
 - Deck/patio
 - The house in relation to the pool, spa, or hot tub
 - The proposed location of the barrier
2. A vertical section and details of the barrier if site built or illustrative literature if prefabricated, manufactured components
3. Samples of actual materials with proposed color finishes
4. Landscaping – Clearly indicate the locations of all existing and proposed new plantings. Specify sizes and species.

5.28.4 Barrier Encroachments

Barriers are considered vertical construction. Barriers that will encroach into required setback areas may be approved as a variance, if in the judgment of the DRC, no adjacent properties are adversely affected.

It shall be solely the property owner's responsibility for construction compliance with other applicable codes, rules, regulations, or insurance company construction and safety requirements.

Neither the RIPOA nor the DRC shall be liable in any way for any ensuing legal litigation pertaining to barriers or lack of same.

5.29 Courtyard and Privacy Walls

- 5.29.1 Courtyard and privacy walls are considered vertical construction and shall not encroach into an established setback area.
- 5.29.2 Courtyard and privacy walls shall be designed to appear as an integral part of the structure and shall be attached thereto.
- 5.29.3 Gates of appropriate design and material may be included as part of the walls.
- 5.29.4 Courtyard and privacy walls shall be no higher than six feet (6') from the finished grade to the highest part or as approved by the DRC.

5.30 Free Standing Structures

5.30.1 Freestanding structures include, but are not limited to, gazebos, pavilions, front entry features, trellis, pergolas and arbors. A freestanding structure shall be located within the required setback areas and must be harmonious in design, scale, materials, landscaping and color of the house.

5.31 Wood Decks

5.31.1. Wood decks are considered to be vertical construction if any part is more than eighteen inches (18") above grade.

5.31.2. Railings, stairs, fixed benches and planters are considered to be a part of the deck and must comply with the rules for vertical construction.

5.31.3. Any deck over thirty inches (30") above finished grade must have perimeter railings, benches or planters for safety.

5.31.4. Open spaces between the bottom of the perimeter framing and the finished grade as well as the space below stairs and landings shall be visually closed with close-spaced lattice, louvers or other enclosures.

5.31.5. All vertical surface colors must be in harmony with the house.

5.32 Hurricane Protection

5.32.1 Manufactured hurricane protection systems may be permitted for the covering of openings in the exterior walls of dwellings subject to the following:

- i. All contemplated installations must be submitted to the DRC for approval and must satisfy Town Codes.
- ii. The DRC will judge each request for hurricane protection solely on Town Codes and aesthetics on a case-by-case basis.
- iii. Submittals shall include:
 - a. An Exterior Alteration Application (Appendix J) for DRC review
 - b. Exterior elevation drawings at 1/4" = 1' scale with all proposed permanently fixed window and door protection components clearly shown in the open position and to scale.
 - c. Photographs of the exterior facades affected with location of all permanently fixed components marked thereon.
 - d. The aesthetics of the hurricane protection shall be appropriate for the design of the structure and be as unobtrusive as possible.
 - e. The color of the permanently fixed components shall be in harmony with the color of the surface to which they are attached.
 - f. Hurricane protection components shall not be used in the closed position to secure a dwelling during an owner's absence other than after an official declaration of hurricane watch or the threat of a severe tropical storm.

- iv. For new construction, hurricane protection shall be built-in to appear as part of the house trim.
- v. Openings in a dwelling utilizing hurricane protection shall be uncovered or opened as soon as possible after the warning has passed and re-entry onto Ribaut Island is permitted.

5.33 Exterior Lighting

- 5.33.1 Exterior lighting may be utilized to illuminate driveways, walks, entries and landscape features.
- 5.33.2 Landscape fixtures must be mounted low to the ground, be low intensity and be limited in number.
- 5.33.3 General illumination of the house is prohibited.
- 5.33.4 Low intensity post-mounted lamps are permitted, but are limited to a maximum of two (2) per house and must be located within the property lines.
- 5.33.5 House mounted floodlights as permitted for temporary illumination only and are to be used for limited periods of time for emergency and exterior access.
- 5.33.6 Wall mounted lamps are permitted, but must be low intensity, mounted near doorways only and be limited in number.
- 5.33.7 All lighting shall be shielded, directed and controlled to prevent annoyance to neighbors.
- 5.33.8 Colored lighting is not allowed for house exterior or landscape illumination.
- 5.33.9 Miniature white lights may be used for outdoor holiday decoration. Colored lighting for holiday decoration is discouraged.

5.34 Kitchens

- 5.34.1 No more than one full-service kitchen, equipped with major appliances is permitted per property.
- 5.34.2 Kitchenettes in bonus rooms and other service areas intended for entertainment purposes are permissible and can only contain such features as a wet bar, wet bar type sink, microwave oven, under counter refrigerator/ice maker, glassware and china storage.

5.35 Exposed Exterior Stairs

- 5.35.1 Exposed exterior stairs that would directly access a second floor or bonus area are prohibited.

5.36 Antennae/Satellite Dishes

No transmission antenna of any kind may be erected anywhere on the property unless approved in writing by the DRC. No direct broadcast satellite (DBS) antenna or multi-point distribution service (MMDS) antenna larger than one meter in diameter may be placed, allowed, or maintained upon any portion of the property, including a vacant lot. Only DBS and MMDS antennae one meter or less in diameter and over the air television broadcast service antennae may be installed in accordance with the Federal Communications Commission (FCC) Rules and Regulations and the Covenants. In no case may any such device be viewable from the street.

5.37 Minor Repairs

5.37.1 Homeowners may personally affect routine and minor repairs to their homes. Routine repairs do not include the use of outside contractors who use trucks and equipment on site.

SECTION VI

LANDSCAPING

6.1 Introduction

As part of the completion of construction, all properties shall be landscaped. The landscape design shall be appropriate and adequate for the size, shape, topography, and location of the lot and shall complement the design of the dwelling as well as the context of the neighborhood.

The landscaping must be compatible with the approved drainage plan. Before any landscape work may begin, all planned fill must be in place and the final grade established and approved by inspection by the DRC. Failure to adhere to this provision may result in fill being removed at the owner's expense and fines levied.

6.2 Objectives

The purpose of landscaping is to:

- Remove the new construction scar from the site.
- Soften the vertical elements, the corners, solid wall areas, foundations, piers and other elements with foundation plantings in scale with the structure.
- Screen service yards, equipment enclosures and parking areas.
- Blend with the existing natural vegetation and landscape of adjacent properties.

6.3 Submittal Requirements

Landscaping plans must be submitted as part of the Final Plan Approval review, must be executed on an overlay of the actual drainage plan, and must show all drainage and site features.

6.3.1 Landscape Plan

A landscape Site Plan at a scale of either one-eighth inch (1/8") or one-tenth inch (1/10") equals one foot (1'-0") shall be submitted indicating the following:

- Lot number, property lines, and locations of adjacent dwellings with bordering landscaping.
- All adjacent features including, but not limited to, roads, walks, leisure paths, golf courses, golf cart paths, lagoons, swales, ditches, culverts, designated wetlands, marshes, coastal critical lines, retaining walls, bulkheads, etc.
- Locations of all existing trees over three inches (3") in diameter measured at two feet (2') above grade and specify species.
- Surrounding open space and natural vegetation.

- On-site natural vegetation that is to remain.
- The locations of the footprints of all vertical and horizontal construction including swimming pools and pool decks.
- The locations of all proposed shrubs, trees, planters, planting beds and gardens.
- The size in gallons or planted height, the number to be planted, species of all shrubs and trees specified either on the landscape plan or on a coded separate listing.
- The extent of all lawn and ground cover areas.
- Swales, berms and other drainage control features with spot elevations.
- Tree wells.
- Landscape lighting.
- Submit printed drawings only. Original drawings will not be accepted. CAD drawings are encouraged.

6.3.2 Phased Installation

A phased plan may be approved only if all objectives stated above are met by the first phase. If phased, the plan must clearly indicate the first phase installation by the use of color highlight.

6.3.3 Structural Additions

Any request for a design review of an addition to an existing dwelling shall include a landscape plan showing, as applicable, all new or relocated plantings and shall specify the number to be planted, the size, and the species.

6.3.4 Major Landscaping Changes Or Additions

If significant (25% or more) changes or additions to an existing landscape are contemplated, an Application for Approval of Landscape Plan (Appendix D) must be submitted to and approved by the DRC prior to the commencement of any work.

A complete plan showing all existing landscaping and the proposed new work must be submitted.

All new work shall be clearly indicated by the use of color highlight and all planting material specified as to the number to be planted, the size and species as well as the extent of any new lawn or ground cover areas.

6.3.5 Ongoing Maintenance Guidelines

These Guidelines are intended as a reminder to keep property in the standard set for new residence requirements.

- Property is to be maintained so as to be visually compatible with the character of the neighborhood in order to support a sense of community and to promote our property values.
- Lawn areas are to be mowed and edged regularly (once a week during growing season and as required in other seasons) to maintain a neat appearance. Paved areas are to be cleared of leaves, pine straw and any other debris.
- Trees, including palm trees, should be kept pruned to remove dead limbs and palm fronds.
- Diseased or dead trees, plants, shrubs, grass, etc. should receive immediate attention.
- Mold and mildew on exterior hard surfaces, including roofs, patios, decks, steps, walkways and driveways, need to be cleaned periodically.
- Vegetation should not be allowed to become overgrown, and older bushes and shrubs should be replaced when they lose their vitality. Dead vegetation, including grass clippings, leaves, downed branches, etc., must be removed from site.
- Be reminded that no chemicals, i.e., paint, paint thinners, oil, etc., that are harmful to the environment can be discharged into the marsh, intercoastal waterway, street drains or vacant lots.
- Any maintenance or minor repairs to existing structures must use materials and textures that are compatible to those already existing.

6.4 Landscape Design Guidelines

6.4.1 General

Careful consideration should be given to the height and spread of all plantings at maturity. Foundation plantings should be appropriate in size for their function.

An informal natural appearance is desirable. Shrubs should be in groups rather than single plantings, should be planted in a staggered pattern rather than in a straight-line configuration and should not interfere with drainage.

6.4.2 Views

When there are adjacent private properties, improved or not improved, and when there is marsh, sound or intra-coastal waterway views to the rear or front of the lot, a triangular area at the rear corners of the lot being landscaped is restricted to the planting of shrubs that will be no higher than four feet, (4') at maturity. These areas are described as follows:

An area defined by a diagonal line between two points measured from the rear corners twenty feet (20') along the rear and side property lines.

These areas shall be consistent with any existing Covenants.

6.4.3 Lawns

Extensive lawn areas are discouraged as being too formal as well as being maintenance and water-use intensive. Lawns should be configured in curved patterns and extend to the edge of the curb at the front between extensions of the side property lines. All drainage swales shall be sodded and all berms shall be stabilized by means of sod, planted ground cover, or shrubs.

6.4.4 Irrigation

Only water conserving systems using drip lines and separate lawn watering stations shall be installed.

The Town requires that a landscape contractor certified by the Town install the landscape irrigation system (defined as a system using a potable water source). Rain sensors and back-flow prevention devices must be installed on all new and existing irrigation systems as specified in Town Code.

6.4.5 Extent

It is required that all areas of the property be landscaped in some manner. No bare earth shall remain on any private property. Ground cover plantings, pine straw, mulch, bark or other acceptable materials shall be placed on all areas not otherwise planted.

6.4.6 Color

White or colored stone or gravel used as cover may not be approved. The use of flowering shrubs and trees as well as annual or perennial gardens is encouraged.

6.4.7 Vegetable Gardens

Vegetable gardens are prohibited on private property. Property owners wishing to grow vegetables may arrange for a garden plot at the Seabrook Farms by contacting the HHP.

6.4.8 Natural Areas

The use of existing natural growth areas as a part of the landscape design may be acceptable. If allowed, these areas must be selectively pruned and weeded to present a neat appearance. These areas must be properly maintained.

6.4.9 Landscaping Beyond Property Lines

The DRC cannot approve landscaping beyond property lines.

Landscaping work refers to the planting of trees, shrubs, lawn, the placing of ground cover, pruning, weed control, clearing, or any other landscape activity including the placement of irrigation materials.

In general, no landscaping work of any kind shall be done on any POA property. If the property owner wants to landscape on adjacent POA property (except for sod to be placed on road right-of-way from the private property line to the edge of the road pavement), a written request must be made to the DRC.

Those who have been given permission to landscape on POA property must acknowledge that this does not confer ownership. The POA reserves the right to remove and/or alter any plantings or landscape provision for any purpose without obligation of replacement or remuneration.

6.5 Ornamental Features

6.5.1 It is recommended that ornamental features such as, but not limited to, garden pools, waterfalls, statuary, trellises, etc. be kept to a minimum.

6.5.2 Vertical display fountains are considered inappropriate and may not be approved. Each proposed feature should be located and described on the landscape plan.

6.5.3 No unapproved feature may be installed.

6.5.4 All ornamental features shall blend into the overall landscape design and not be a predominant feature.

6.5.5 The use of multiple statuary and stationary or mobile ornaments may not be approved.

6.6 Lighting

6.6.1 Landscape lighting shall be designed to blend with the plantings, mounted low to the ground, be low intensity and be used sparingly.

6.6.2 Low mounted, low-intensity driveway and walkway lighting is permitted if used sparingly.

6.6.3 Colored landscape lighting is prohibited.

6.7 Signs

6.7.1 Landscape contractor signs are permitted only during the actual landscape installation and must be removed at the completion of the work.

6.7.2 Signs must comply with the rules as stated in Signage (Section 7.4).

6.8 Disposal of Debris

6.8.1 At the completion of the work, all debris must be removed from the premise.

6.8.2 Contractors are prohibited from using the HHP POA dump for the disposal of debris.

6.9 Completion

All landscaping must be completed prior to occupancy unless otherwise approved by the DRC.

6.10 Inspection

When the property owner or the contractor considers the landscape installation complete in all respects according to the approved Plan, a request for an inspection shall be made to the DRC. Any discrepancies from the DRC approved Plan shall be corrected before final approval is given.

6.11 Stump Removal

Tree stumps must either be completely removed or cut at grade level or below.

SECTION VII

CONTRACTOR DEPARTMENT

- 7.1 Section 11.11 of the Covenants prohibits noxious or offensive activities. Contractors, subcontractors, material deliverymen and any other agent of the Owner doing business on Ribaut Island, will be required to conduct themselves accordingly.
- 7.2 Contractors may work only during the period 7:00 A.M. to 7:00 P.M., Monday through Friday and 8:00 A.M. to 5:00 P.M. on Saturday. No construction other than on an emergency basis may be conducted on Sunday or on Christmas, Thanksgiving or New Year's Day. Violations may be reported to HHP Security.
- 7.3 These Guidelines are set forth pursuant to the Covenants and compliance is mandatory by all property Owners, general contractors, subcontractors, material suppliers and maintenance services. Violations may result in denial of access to Ribaut Island. Contractors are liable for damage to and condition of the road, utility infrastructure, and the landscape on both private and common property including road right-of-ways.
- 7.4 Signs
- 7.4.1 As provided in Section 2.4.1, the placement of the contractor's identification sign must be indicated on the site plan. The sign may only be placed on the lot in a form and style approved by the DRC, and size and location to be designated by the DRC.
- 7.4.2 Signs may not be placed on any lot that constitutes advertisements of any kind.
- 7.4.3 Signs may only be placed on a building lot upon receipt of DRC approval to commence construction. Signs approved by the DRC may indicate the name of the contractor, architect, designer, interior designer and landscaper, provided that such information is contained on the same sign face.
- 7.4.4 Signs shall be placed such that they are easily visible from the street.
- 7.4.5 The contractor is required to erect a Ribaut Contractor Regulations sign with wording similar to the example shown in Appendix I. Wording on the sign must be understood by all workmen and may require more than one language.
- 7.4.6 Signs shall be single-faced only and must be placed with the sign face parallel to the roadway.
- 7.4.7 Subcontractors will not be permitted to place their signs on a building site.
- 7.4.8 Signs not complying with the provisions of this section must be removed and disposed of after (5) days' written notice to the owner.
- 7.4.9 Signs must be removed promptly upon completion of construction.

7.5 Portable Toilets

A portable toilet must be in place on each new construction site. The portable toilet must be located in an inconspicuous area, within the lot property lines, as far away as is feasible from the street and adjacent properties, and as near to the structure as possible. The door must face toward the construction. Clean and sanitary conditions must be maintained at all times.

7.5.1 Facilities shall be placed only in a location approved by the DRC, as described in Section 2.4.1.

7.6 Security

HHP, including its Security Department and all other employees, and the RIPOA, and all contractors of the RIPOA, assume no liability for the loss or destruction of any contractor's vehicles, trailers, construction equipment or materials.

7.7 Contractor Documents

All contractors must provide the DRC with copies of the Contractor's Business License and Certificates of Insurance before starting any construction. Copies must be current. Conducting business on Ribaut Island without meeting this requirement will result in a stop work order and the contractor subject to a fine.

7.8 Parking

The parking of vehicles and trailers shall be limited to the job-site property. Permission to use adjacent lots by property Owners' must be in writing and submitted to the DRC Administrator. Under no circumstances shall parking interfere with the flow of traffic or cause hazardous traffic conditions. No trailer, vehicle or mobile equipment shall remain on site overnight and must be removed from the site at the end of each workday, unless permitted by the DRC and the HHP Security Department.

7.9 Site Access

Whenever possible, site access shall be in the same general location as the permanent driveway entry. The edge of the road pavement and curbs shall be protected from damage by construction vehicles. Caution shall be exercised to avoid damage to the road and curbs. Any damage to the roads and curbs shall be restored to a condition acceptable to the DRC at the completion of the project. Release of compliance deposits will not be approved until any damaged areas are satisfactorily restored.

7.10 Site Preparation

No lot can be cleared, no site prepared or any other construction activity started without a Town and Ribaut Island DRC Building Permit. Where required, silt fences, catch basins, and road shoulder protections must be in place prior to site clearing. Water and electric services must be installed on site prior to the need for these services. The water meter must have a hose bib connection. The temporary electric meter must feed receptacles adequate for the use of all power tools. The use of water and electric services from adjacent residences or common property is prohibited.

7.11 Drainage Control, Erosion Control and Environmental Protection

Soil erosion shall be controlled entirely within the construction site property lines in such a manner as to prevent the erosion of soil onto any adjacent properties, roads or into any drainage system, waterway, marsh or lagoon by means of soil fences or other protection means.

Water drainage may be directed into the HHPPOA drainage system that shall be protected against the entry of silt. This shall be accomplished by means of rough grading, earth berms, swales and drain lines or having water retained entirely within the construction site property lines.

The Department of Health and Environment Control (DHEC), the DRC and the RIPOA closely monitor the protection of Wetlands.

7.12 Responsibilities After Completion of the Foundation

After completion of the foundation work, the contractor shall establish the finish grade at the perimeter of all new construction no less than eight inches (8") below any wall finish. Earth should be sloped at a gradient of no less than 2:12 to a minimum of ten feet (10') on all sides of lot. When house construction is complete and before any landscape work may begin, all planned fill must be in place and the lot brought to final grade.

7.13 Trespassing

All access areas, parking, storage of materials, location of dumpsters and portable toilets must be confined to the permitted lot. The use of private properties, common property or open space is prohibited.

7.14 Exterior Lighting

It is the contractor's responsibility on all unoccupied structures to turn off all exterior lights between the hours of 7:00 P.M. and 7:00 A.M.

7.15 Dumpsters

Each project that generates debris must provide a commercial dumpster **at all times**. It must be located within the lot property lines and cannot be placed on the road right-of-way or on any adjacent private or common property. It must be emptied prior to exceeding capacity. The dumping of construction debris is prohibited within the Plantation.

7.16 Site Maintenance

Materials must be stored in an orderly manner on site. Contractors are required to make frequent clean-ups of construction materials, trash, litter, etc. always leaving the area neat and clean at the end of each workday.

7.17 Hauling

7.17.1 Trash

Any vehicle transporting construction debris or site clearing material must be enclosed or equipped with a tarpaulin or netting to adequately cover and protect the load from spilling. The load must not extend beyond the width of the truck bed.

7.17.2 Fill Dirt

Hauling of fill dirt must be in a suitable vehicle equipped solely for this purpose. A fill dirt load may not exceed one foot (1') in height above the side rails of the vehicle, at the center of the load, and must be tapered to the sides of the vehicle in such a manner as to prevent spills.

7.17.3 Spill Clean Up

7.17.4 Should any spill occur, the contractor involved is responsible for the cleanup of the street and other affected areas immediately after the spill. Should this not be feasible, contact must be made to HHP Security to advise of the spill and an approximate time for cleanup. Failure to do so will result in a fine levied plus costs incurred by the RIPOA or cleanup of the spill.

The cleanup of concrete trucks and equipment after concrete delivery may be done **only** on the construction site. Road right-of-ways and other property must not be used for this purpose.

Any concrete, gypsum, mortar, tar, asphalt, oil or any other petroleum product spilled on roads, road right-of-ways, or any property other than the construction site **must be removed immediately. Roads must be washed so that no residue remains.**

7.17.5 Dirt or other debris displaced from the work site onto the street by vehicles or other means shall be removed as it occurs. It is recommended that gravel, mulch or other material be used at the construction site to capture such material and aid in keeping it off the roadway.

7.18 Construction Trailers, Vehicles and Mobile Equipment

No trailer, vehicle or mobile equipment shall remain on site overnight. All must be removed from Ribaut Island at the end of each workday, unless permitted by the DRC and HHP Security.

Trailers used on-site shall not be parked so as to block entry of security or emergency vehicles.

No trailer, vehicle, or mobile equipment shall be parked on any RIPOA common areas or adjacent private property.

Trailers must have a valid State registration if required by Law.

The RIPOA is not liable for any theft of or vandalism to any trailer, vehicle or mobile equipment.

7.19 Burning Prohibited

Burning of construction debris or open warming fires is prohibited.

SECTION VIII

INSPECTIONS

8.1 Preface

The DRC shall conduct on-site inspections when the various phases of the work that require an inspection are completed. The person responsible for site construction must call the DRC Administrator to schedule such inspections.

A certified foundation survey must be filed with the DRC prior to the start of wall construction.

8.2 Summary of Mandatory DRC Inspections for New Construction

The following are mandatory inspections for new construction:

- Stakeout with strings – Prior to clearing lot
- Foundation survey and elevation certificate prior to wall construction
- Driveway – Prior to paving
- Landscape – Prior to occupancy
- Final Compliance – Prior to occupancy

A new dwelling shall not be occupied prior to the receipt of a Town Certificate of Occupancy and a Ribaut Island DRC Final Compliance Inspection Approval.

The contractor should call the DRC Administrator at least 24 hours in advance of all requested inspections.

8.3 Stakeout

8.3.1 Prior to Start of Work

After all other conditions for the issuance of a Ribaut Island DRC Building Permit are met and before lot clearing can begin, a stakeout of the proposed building must be completed and approved by on-site inspection prior to the issuance of the Ribaut Island DRC Building Permit.

8.3.2 DRC Approval

A letter requesting a stakeout inspection including the statement, “The property corners have been accurately located and the house and other site features are staked-out in accordance with the DRC approved plans” shall be submitted to the DRC Administrator.

8.3.3 Restrictions

In no case or for any reason shall any tree be removed, a site cleared, or any other preparation begun prior to inspection approval by the DRC and the issuance of the Ribaut Island DRC Building Permit.

8.3.4 Requirements

The stakeout must be marked and easily observed by the designated DRC representative as follows:

- The footprint of all vertical and horizontal construction defined by corner stakes a minimum of three feet (3') high continuously connected by string lines and marked as to the relationship to the work.
- All property lines defined by corner stakes and continuous string lines.
- When a lot abuts the Coastal Critical Line, the line shall be clearly marked by flags as required by the governing agency.
- Silt fences must be in place to control run-off and/or spillage.
- All trees planned for removal tagged with RED ribbons. Tree cluster to be removed may be banded with RED ribbons.
- Should any tree interfere with a string line, the line may be interrupted by placing an additional stake at either side of and close to the tree. In no case shall a tree be removed in order to run a string line. The string line may be offset around a tree and returned to the original direction and beyond. Offset stakes must be clearly marked with the distance of the offset.

8.4 Foundation and Elevation Inspection

After the batter boards and the batter board string lines are in place and prior to the placement of any concrete for footings, slabs or any other foundations, a batter board inspection shall be requested.

This inspection will be compared to the approved Site Plan to confirm the correct locations of all corners.

If approved, the general contractor may be granted approval to proceed with construction.

Should the general contractor place any concrete prior to the batter board location inspection and approval, the general contractor shall do so at its own risk and may be subject to a fine, as well as to corrective measures.

8.5 Driveway and Road Drainage

Driveway inspection shall determine whether or not a culvert may be required.

After the driveway grading and the driveway culvert(s) are in place, the general contractor shall call the DRC to arrange for an inspection.

No paving of driveways shall begin until the driveway and road drainage inspections have been conducted and an approval received.

8.6 Landscaping

When the property owner or general contractor considers the landscaping complete in all respects according to the approved plans, a request for an inspection shall be made to the DRC. If additional fill has been added since the final grade inspection, the DRC may disapprove the additional fill and require that the additional fill be removed.

The following conditions for landscaping must be met:

- The approved number, locations, size and species of all plantings in place.
- All sod in place to the edge of curb.
- All ground cover, such as pine straw, bark, chips or plantings, shall be in place.
- No bare earth areas are allowed.
- Ground cover must extend to the side and rear property lines if not otherwise planted or sodded.
- All landscaping debris removed from the site.

8.7 Final Compliance

After the general contractor has received a Certificate of Occupancy from the Town, a final compliance inspection shall be made by the DRC.

Occupancy may occur only after the house has received the following:

- A Certificate of Occupancy from the Town.
- The exterior of the house and landscaping is completed in accordance with submitted and approved plans.
- Dumpster and portable toilet removed from the site.
- The restoration of any damage to the road pavement, curbs, road right-of-way and/or adjacent properties.
- RIPOA approved mailbox and nameplate in place.
- All signage removed.
- All violation fees paid.

8.8 Additions

Additions to homes must comply with all inspection procedures stated above including, but not limited to, stakeout, batter board survey, drainage, landscape and final compliance approval as applicable.

The DRC has the authority to add or waive any inspection procedures that the DRC determines may or may not be applicable to the project. It is recommended that prior to the start of the construction of any addition, the owner and/or builder consult with the DRC to determine what inspection procedures must be met.

SECTION IX

POST CONSTRUCTION TREE POLICY

INTENT:

The covenants and restrictions that govern RIPOA include a control authority to preserve the tree cover and, most particularly, to prevent the unjustified removal of any significant trees. No live trees measuring six inches (6") or more in diameter at a height of four feet (4') above ground level may be removed without the approval of the DRC.

9.1 No Trees May Be Removed Without DRC Approval.

Use the form titled "TREE REMOVAL APPLICATION/PERMIT" (Appendix H) to request tree removal.

9.1.1 Deliberate or erroneous removal of trees without DRC approval will result in a fine and replacement by the owner and/or contractor.

9.1.2 Diseased Trees

For removal of diseased trees, submittal of an inspection and certification of disease from an arborist may be required to accompany the form titled "TREE REMOVAL APPLICATION/PERMIT" (Appendix H). Further inspection and approval of removal may be required from a DRC appointed Landscape Architect. The DRC will have the discretion of deciding on replacement trees depending on the number of trees or location of trees removed.

9.1.3 Storm Damage

It is required that all trees damaged or downed by a storm be removed as soon as possible. Submit the form titled "TREE REMOVAL APPLICATION/PERMIT" (Appendix H) for approval. The DRC will have the discretion of deciding on replacement trees depending on the number of trees or location of trees removed.

9.1.4 Dead Trees

It is required that dead trees be removed as soon as possible. Submit the form titled "TREE REMOVAL APPLICATION/PERMIT" (Appendix H) for approval. The DRC will have the discretion of deciding on replacement trees depending on the number of trees or location of trees removed.

9.1.5 Discretionary Removal

Any request for removal of trees other than those stated above should be submitted on the form titled "TREE REMOVAL APPLICATION/PERMIT" (Appendix H) for approval. Depending on the purpose and circumstance under which the request is made, it will be the final decision of the DRC and their consultant Landscape Architect as to approval. The DRC will have the discretion of deciding on replacement trees depending on the number of trees removed.

- 9.2 All trees must be cut at grade level or below.
- 9.3 The application for removal must be submitted to the DRC Administrator at least seven (7) working days prior to the scheduled DRC meeting for DRC review. During an emergency, contact the Administrator or a member of the DRC.
- 9.4 A fee has been established payable at the time of application. Refer to Appendix K for fee amount.
- 9.5 The fee may be increased or decreased or waived from time to time at the sole discretion of the DRC.
- 9.6 The Administrator will issue approval or disapproval of the request using the submitted TREE REMOVAL APPLICATION/PERMIT (Appendix H).

SECTION X

EXTERIOR ALTERATIONS

- 10.1 No exterior alterations may be initiated without DRC approval. All requests for exterior alterations including, but not limited to: repainting, landscaping, additions, bulkheads, pool or re-roofing must be submitted on the form titled “APPLICATION FOR APPROVAL OF EXTERIOR ALTERATION” (Appendix J). Three (3) sets of drawings and three (3) copies of this application must be submitted.
- 10.2 The Application must be submitted at least seven (7) working days prior to the scheduled DRC meeting.
- 10.3 The Application must be submitted to the office of the DRC Administrator.
- 10.4 Significant additions require the same guidelines as New Construction. Refer to Appendix A.
- 10.5 A submission fee has been established payable at the time of application. Refer to Appendix K for a list of fees.
- 10.6 The fee may be increased or decreased or waived from time to time at the sole discretion of the DRC.
- 10.7 The Administrator will issue approval or disapproval using the submitted application as determined by the DRC.

SECTION XI

ADMINISTRATION OF THE DRC

11.1 The RIPOA Board of Directors shall establish the DRC, and shall appoint the members, all of whom shall be Ribaut Island property owners.

11.1.1 The regular term of office for each member shall be one (1) year coinciding with the fiscal year of the Association. Any member appointed by the Board may be removed with or without cause by the Board at any time by written notice to a member, and a successor or successors appointed to fill such vacancy shall serve the remainder of the term of the former member.

11.1.2 The DRC shall elect a Chairperson and Vice Chairperson. In the absence of the Chairperson, the Vice Chairperson shall be the presiding officer at its meetings.

11.1.3 The DRC shall meet at least every three (3) months, as well as upon call of the Chairperson. The DRC, with the approval of the BOD, is authorized to retain the services of consulting architects, landscape architects, urban designers, engineers, inspectors and/or attorneys in order to advise and assist the DRC in performing its functions.

11.2 Administrator

The DRC may appoint an Administrator who is not a member of the DRC to administer the day-to-day management of DRC activities, including the following:

- Receiving and processing all applications to the DRC.
- Answering questions concerning the DRC and representing the DRC to Owners and to the general public.
- Monitoring review efforts.
- At the direction of the Chairperson, scheduling meetings and contacting members.
- Preparing routine correspondence for the DRC.
- Hiring and supervising support personnel for the DRC upon approval of the DRC and the Board.
- Taking, distributing and storing the minutes of each DRC meeting.
- Filing and storing DRC documents.

The Administrator shall report directly to the Chairperson of the DRC.

SECTION XII

DRC MEETINGS

- 12.1 The DRC will conduct meetings at least every three (3) months at a location on Hilton Head Island, South Carolina, or as otherwise to be designated by the Chairperson.
- 12.2 All members shall be notified in writing at least five (5) days prior to a scheduled meeting. The notification will contain an agenda for the meeting, the most recent minutes and a listing of any set of plans to be reviewed.
- 12.3 The DRC may conduct special meetings upon three (3) days written notification by the Chairperson of the date, time and place of the meeting.
- 12.4 The seven (7) day advance submission requirement per section 2.1.1 may be waived for plans submitted for special meetings, upon the approval of the Chairperson.
- 12.5 A quorum requirement will have been met if a majority of the members of the DRC are in attendance at any regular or special meeting.
- 12.6 Resolutions, approvals and disapprovals of the DRC may be passed only upon majority vote of those present or by proxy. Proxies will not qualify to meet the quorum requirement of Section 12.5.
 - 12.6.1 For the purpose of passing a resolution, the Chairperson may propose resolutions and cause a vote on any resolution. In the event of a tie vote on a resolution, the vote of the Chairperson shall be weighted by a factor of 1.5 so as to allow the Chairperson to cast the deciding vote.
 - 12.6.2 All decisions of the DRC will be final unless appealed pursuant to the appeals procedures set forth in Section XIV.
 - 12.6.3 Applicants will be notified in writing of all decisions of the DRC. Oral representations of any decision will not be valid and will not represent the decisions of the DRC.
 - 12.6.4 Applicants may have returned to them a copy of plans reviewed by the DRC with appropriate markings to amplify DRC comments or recommendations. Markings on plans so received will not bind the DRC to any design indicated thereon but are offered only as advisory comments.
 - 12.6.5 One (1) set of plans received by the DRC will be retained as part of a permanent record, along with color and material samples.
 - 12.6.6 Special visual aids, such as models, slides, etc., may be reclaimed by the applicant.

SECTION XIII

CONSTRUCTION VIOLATIONS AND FINES

13.1 Construction Violations

The following is a schedule of violations and fines that may be levied when a property owner or a general contractor violates the Covenants or Guidelines. Such fines will be deducted from the owner's or general contractor's compliance deposits as appropriate. A stop order or other actions may also be taken for serious and/or repetitive violations.

TYPE OF VIOLATION	AMOUNT OF FINE
Clearing of site or unauthorized tree removal without stakeout approval or without obtaining a RIPOA Building Permit.	\$2,000 per violation. This violation could warrant expulsion of the general contractor and denial of further construction within Ribaut Island.
Construction does not conform to plans as approved by the DRC.	\$1,500 per violation. The violation could warrant expulsion of the general contractor and denial of further construction within Ribaut Island. The general contractor may have to restore to the approved plans.
Working on days or during hours prohibited by Section 7.2 without prior approval.	\$100 per violation
Occupying a new house without approval before final compliance inspection is complete.	\$100 per day.
Failure to control water drainage and/or soil erosion.	\$100 per violation, plus restoration costs.
Damage to road pavement, curbs and road right-of-ways.	\$300 per violation, plus restoration costs.
Trespass onto adjoining lots or POA property by personnel, vehicles, equipment material storage, etc.	\$100 per violation, plus restoration costs, and plus \$100.00 per day until compliant.
Failure to provide adequate trash receptacles or failure to keep site clean of debris	\$100 per violation, plus \$100.00 per day until compliant.
Failure to provide and properly site portable toilet facing the construction.	\$100 per violation, plus \$100.00 per day until compliant.
Failure to turn off exterior lighting at night.	\$100 per violation.
Loud music, inappropriate language or personal behavior.	\$100 per violation.
Construction not completed within twelve (12) months of issuance of building permit unless extension request is approved by the DRC.	\$100 per calendar day beginning after twelve months and continuing until Final Inspection and Approval per Appendix L
Violation of any Section of the Guidelines not specifically identified herein.	\$100 per violation

Post Construction

Fines, as specified below, for violations of the Covenants or the Guidelines may be assessed against the property owner for any construction changes not granted by a DRC permit or for any maintenance violations. This shall apply to any existing property or dwelling, including, but not limited to the following:

TYPE OF VIOLATION	AMOUNT OF FINE
Re-roof and Exterior Repaint	\$100-\$500
Tree Removals (over 6" diameter)	\$100-\$500 per tree, plus mitigation
Enclosed Additions (attached or freestanding)	\$500-\$1,000
Exterior Alterations or Additions (Windows, Doors, Walls, Fences, Siding, Trim, Porches, Entries, Dog Runs, Service Yards, Pergolas, Awnings, Equipment Enclosures, Lighting, etc.)	\$100-\$1,000
Porch Enclosures	\$500-\$1,000
Patios and Walks (Concrete or Masonry)	\$50-\$500
Decks	\$100-\$1,000
Exterior Stairs to Second Level	\$1,000, plus removal
Driveway Changes or Additions	\$500-\$1,000
Exterior Ramps (Permanent or Temporary)	\$50, plus removal
Docks or Bulkheads	\$500-\$1,000
Landscaping (Ornamental Fountains, Waterfalls, Pools and Statuary)	\$500-\$1,000
Recreational Equipment	\$100-\$500
Violations of Sections 4.4 and 6.1 of the Covenants regarding property maintenance.	\$100 -\$500 per occurrence

The scope of the unauthorized change and its impact on the surroundings will be taken into consideration in determining the actual amount of fine within the specified limits.

The DRC may also require the removal of any unapproved work and restoration to the original condition(s) or other mitigation.

The DRC has the authority to adjust or waive the amount of any fine to compensate for mitigating circumstances.

13.1.1 Appeals for Construction Violation Fines

An appeal of a violation fine may be submitted in writing to the DRC. An explanation of circumstances and appropriate justification should be included in the appeal. The DRC will forward a written response within thirty (30) days of receipt of the appeal. This applies to both New Construction and Post-Construction.

SECTION XIV

APPEALS OF DRC DECISIONS

- 14.1 An applicant receiving a disapproval or violation notice from the DRC is advised to revise the plans or to correct the violation in accordance with recommendations.
- 14.2 If the applicant is unable to comply with the requirements of the DRC or challenges the Committee's decision, he may request a hearing before the Board of Directors. The request must be made in writing and directed to the Administrator of the DRC. Such a request shall be made within 14 days of the DRC's notification of disapproval or violation. The Administrator shall convene a meeting of the Board within fifteen (15) days of receipt of request. The Board may request consultation of other professionals, as it deems necessary, to resolve the issue.

The Board will conduct a review of the most recently disapproved plans or the challenged violation of the applicant and the applicant will be given an opportunity to present his appeal before the Board.

At least six (6) Board members must be present to constitute a quorum and a majority vote of the Board will carry a decision. The decisions of the Board shall be final.

SECTION XV

ENFORCEMENT OF THE RIPOA COVENANTS

- 15.1 The DRC, through its Administrator, will have the responsibility of enforcing all applicable provisions of the RIPOA Covenants and DRC Guidelines, whether or not they are specifically included herein.
- 15.2 Following approval of any plans and specifications by the DRC, representatives of the DRC shall have the right during reasonable hours to enter upon and inspect any lot or dwelling or other improvements with respect to the construction underway to determine whether or not the approved plans and specifications are being followed. In the event the DRC determines that plans and specifications are not being complied with, the DRC shall be entitled to stop further construction and to require the removal or correction of any work in place that does not comply with the approved plans and specifications.

SECTION XVI

AMENDMENTS

- 16.1 The foregoing Guidelines may be amended at any time without prior notice by majority vote of the DRC at a duly constituted meeting and subject to the approval of the Board. Any preliminary or final plan, marked received, shall be subject to the Covenants and Guidelines applicable at that time.

SECTION XVII

SEVERABILITY

- 17.1 This document shall not be rendered invalid or unenforceable should any of the provisions of this document or its application be invalid or unenforceable for any reason. Those provisions, which are not invalid or unenforceable, shall be enforced to the greatest extent permitted by law.

APPENDICES

APPENDIX A	Application for Approval of Residential Construction
APPENDIX B	Homeowner Compliance and Deposit Agreement
APPENDIX C	Contractor Compliance and Deposit Agreement
APPENDIX D	Application for Approval of Landscape Plan
APPENDIX E	Drainage Compliance Agreement
APPENDIX F	Tree Compliance Agreement
APPENDIX G	DRC/Homeowner/Contractor Approval/Agreement
APPENDIX H	Tree Removal Application/Permit
APPENDIX I	Ribaut Contractor Regulations Sign
APPENDIX J	Application for Exterior Alteration
APPENDIX K	Fee and Deposit Schedule
APPENDIX L	Final Compliance Inspection Approval Form
APPENDIX M	Ribaut Island Building Permit

RIBAUT ISLAND DESIGN REVIEW COMMITTEE
P.O. Box 23094, Hilton Head Island, SC 29925
(Page 1 of 2)

APPLICATION FOR APPROVAL OF RESIDENTIAL CONSTRUCTION
RIBAUT ISLAND - HILTON HEAD PLANTATION

Submit to:
Ribaut Island DRC
P.O. Box 23094
Hilton Head Island, SC 29925

Date: _____

Address of Construction:
Legal/Lot No.: _____ Ribaut Island
Mailing: _____

Preliminary Approval Request
Prelim. Stakeout Ready _____

OWNER:

Final Approval Request
Required before consideration:
Final stakeout Ready _____
All Exterior Material/Colors

Name: _____

Address: _____

Phone/Fax: _____

FOR REVIEW BOARD USE ONLY:

ARCHITECT or DESIGNER:

Name: _____

PRELIMINARY APPROVAL:

Address: _____

Action Date

Stakeout _____

Phone/Fax: _____

CONTRACTOR or BUILDER:

Name: _____

Address: _____

FINAL APPROVAL BY DRC:

Phone/Fax: _____

Stakeout _____

Submitted By: _____

Plans _____

RIBAUT ISLAND DESIGN REVIEW COMMITTEE

P.O. Box 23094, Hilton Head Island, SC 29925

(Page 1 of 2)

HOMEOWNER COMPLIANCE AND DEPOSIT AGREEMENT

It is agreed by the undersigned that a _____ Dollar (\$) deposit will be given to the Ribaut Island Property Owners' Association, Inc., to insure that construction and landscaping of the residence for Lot # _____ Ribaut Island be finished in accordance with the plans granted final approval by the Ribaut Island Design Review Committee (DRC) on _____. This deposit is also the owner(s) guarantee of compliance with all rules and regulations regarding construction, tree removal, placement of portable toilets, refuse containers, maintaining a trash and litter free construction site and to insure against any damage done to the roadways, curbs, gutters, walkways, bicycle paths or common and adjacent properties. Failure to comply may result in fines levied against the deposit or possibly forfeiture of the entire deposit, including any additional deposits that may be required if fines for violations are projected to exceed the initial deposit.

It is further agreed that this deposit be held in a South Carolina bank. This deposit will be refunded less any fines imposed, to the undersigned after all conditions and approvals are fulfilled to include completion of all work within one year of construction start (issuance of building permit).

PLEASE NOTE:

1. Upon written request, a thirty (30) day extension for construction may be granted by the DRC for compelling reasons.
2. Failure to landscape, per approved plans, within the allocated time, may result in a forfeiture of a part, or all of the deposit.
3. Failure to comply with the approved plans (construction and finishes) may result in forfeiture of the entire deposit.
4. Failure to maintain an orderly construction site or to protect against construction related damage to adjoining properties may result in fines levied against the deposit.
5. Failure to secure the construction site, remove or empty dumpsters when under a severe weather alert may result in fines levied against the deposit.
6. Failure to comply with the Approval/Agreement Letter with the DRC may result in forfeiture of a part, or all of the deposit.
7. Failure to comply with the Guidelines may result in loss of all, or part, of the deposit.
8. Failure to comply with the Covenants may result in forfeiture of all, or part, of the deposit.
9. After complying with all the requirements established by the DRC, notification of same must be made to the DRC for inspection. Funds will not be released to the property owner(s) without receipt by the DRC of written consent from the Ribaut Island POA for the release of the funds.

Accepted by:

Property Owner Signature

Date

Property Owner Signature

Date

APPENDIX B

HOMEOWNER COMPLIANCE AND DEPOSIT AGREEMENT

LOT NO.: _____

(Page 2 of 2)

PLEASE TYPE OR PRINT:

Owner's Name: _____

Mailing Address: _____

Telephone/Fax: _____

RIBAUT ISLAND DESIGN REVIEW COMMITTEE

P.O. Box 23094, Hilton Head Island, SC 29925

(Page 1 of 3)

CONTRACTOR COMPLIANCE AND DEPOSIT AGREEMENT

Site Legal Address: Lot #: _____ Ribaut Island

Project Description

_____ 1. New Construction

_____ 2. Additions

Property Owner(s) Name: _____

_____ 3. Exterior Alterations

_____ 4. Landscaping

_____ 5. Bulkhead

_____ 6. Dock

_____ 7. Other

Approval is granted, as per certain recorded Covenants, for construction (residence, landscaping, addition, pool, exterior alterations) subject to the acceptance by the contractor, as evidenced by the signatures affixed to this letter, of the following conditions:

1. The construction will be in accordance with the drawings and application (materials and colors) submitted to and approved on _____ by the Design Review Committee (DRC).
2. The construction will be situated upon the lot in accordance with the approved site plan dated _____. Do not remove any trees larger than three (3") inches in diameter, which are outside the footprint of the house except the trees marked by an X on the approved site plan.
3. Drainage swales, culverts, retaining walls, etc., will be installed whenever this construction adversely affects the drainage of the natural water shed or causes excessive runoff to adjacent properties. Adequate measures shall be taken to protect adjacent properties against damage during construction and the owner(s) of such properties shall be entitled to inspect for any damage and present their claims prior to any release of the compliance deposit (See Item 4). Repair will be completed of any damage done to the roadways, curbs, gutters, and common or adjacent properties during this construction. Failure to make adequate repairs may result in a fine being levied against the deposit. The DRC, prior to construction and again after completion, shall take photographs of the curbs and road within the property lines and at the construction site. Further, inspection of the site and written approval by the DRC shall be required prior to the release of any portion of the deposit.
4. No work will be started until a deposit has been received. This deposit will be held in a bank account until the construction has been completed and after all conditions and approvals are fulfilled. This will include completion of all work and landscaping.

APPENDIX C

CONTRACTOR COMPLIANCE AND DEPOSIT AGREEMENT

LOT NO.: _____

(Page 2 of 3)

Once construction has been satisfactorily completed as determined by the DRC, the deposit will be refunded, less any fines imposed, to the contractor.

5. No changes in exterior appearance, materials or colors are to be made until prior approval has been secured from the Design Review Committee.
6. The property must remain free and clear of trash debris, which must be contained in a trash receptacle in an approved location. It is the responsibility of the contractor to ensure the site is maintained in a clean and orderly manner at the end of each workday.
7. The parties hereto do hereby accept and approve these conditions pursuant to the approval documents.

This approval is limited to design criteria by the Design Review Committee as provided by the Covenants and should not be interpreted as approval of any variation from the Covenants unless so noted herein. Failure to comply with the agreement and/or the Covenants for Ribaut Island may result in forfeiture of the entire deposit.

It is agreed by the undersigned that a _____Dollar (\$_____) deposit will be given to the Ribaut Island Property Owners' Association, Inc., to insure that construction/landscaping on the above mentioned residence will be finished in accordance with the plans granted final approval by the DRC. This deposit is also the contractor's guarantee of compliance with all rules and regulations regarding construction, tree removal, placement of portable toilets, refuse containers, maintaining a trash and litter free construction site and to insure against any damage done to the roadways, curbs, gutters or common or adjacent properties. Failure to comply may result in fines levied against the deposit, or possible forfeiture of the entire deposit.

It is further agreed that this deposit will be held in a bank account in the State of South Carolina. This deposit will be refunded less any fines imposed, to the undersigned after all conditions and approvals are fulfilled to include completion of all work within one year of construction start (issuance of Ribaut Island Building Permit).

APPENDIX C

CONTRACTOR COMPLIANCE AND DEPOSIT AGREEMENT

LOT NO.: _____

(Page 3 of 3)

Accepted By:

Contractor Signature

Date

PLEASE TYPE OR PRINT:

Contractor: _____

Mailing Address: _____

Telephone/Fax: _____

Federal Tax ID:
(Required) _____

This letter must be signed by the contractor and returned to the DRC Administrator with the deposit made payable to Ribaut Island Property Owners' Association, Inc., (RIPOA) prior to the commencement of construction.

RIBAUT ISLAND DESIGN REVIEW COMMITTEE

P.O. Box 23094, Hilton Head Island, SC 23094

APPLICATION FOR APPROVAL OF LANDSCAPE PLAN

LEGAL ADDRESS: _____

MAILING ADDRESS: _____

PROPERTY OWNER:

NAME

HOME TELEPHONE

STREET ADDRESS

WORK TELEPHONE

CITY, STATE, ZIP

FAX

LANDSCAPE COMPANY/DESIGNER:

FIRM

CONTACT PERSON

STREET ADDRESS

OFFICE TELEPHONE

CITY, STATE, ZIP

FAX

Submitted by: _____ Date _____

Please attach plant/schedule that includes the number and size of the plants.

IRRIGATION CONTRACTOR:

FIRM

CONTACT PERSON

Please attach a copy of certification for your irrigation contractor
3 SETS OF DRAWINGS AND 3 COPIES OF THIS APPLICATION MUST BE SUBMITTED

For DRC use only:

APPROVAL:

COMMENTS:

Date

Date

Date

Date

RIBAUT ISLAND DESIGN REVIEW COMMITTEE

P.O. Box 23094, Hilton Head Island, SC 29925

DRAINAGE COMPLIANCE AGREEMENT

It is the responsibility of each Owner to direct drainage away from the dwelling in a manner that conforms to the master drainage system for Ribaut Island and in accordance with the approved drainage plan as required by Section 2.4.5 of the Guidelines. Special consideration should be given to the establishment of appropriate building site elevations for foundations, sub-surface drainage, final grades and installation of gutters.

I understand and agree to comply with this requirement.

SIGNATURE OF PROPERTY OWNER

DATE

SIGNATURE OF PROPERTY OWNER

DATE

LOT NO. _____ RIBAUT ISLAND

RETURN TO:

RIBAUT ISLAND
DESIGN REVIEW COMMITTEE
P.O. Box 23094
Hilton Head Island, SC 29925

APPENDIX E

RIBAUT ISLAND DESIGN REVIEW COMMITTEE

P.O. Box 23094, Hilton Head Island, SC 29925

TREE COMPLIANCE AGREEMENT

Owners are reminded that trees larger than three inches (3") in diameter measured two feet (2') above ground level may not be removed without Design Review Committee approval. When site plans are approved, the tree and topographic survey notes which trees may be removed and are usually only those necessary to locate the house, patio and driveway. Architects and residential designers should use every effort to locate the footprint of the house so that it results in the minimum number of trees being removed.

Once this plan is approved, no other trees may be removed without a formal request to and approval by the Ribaut Island Design Review Committee. Unauthorized removal may result in a fine and/or mitigation.

I understand these requirements and I agree to comply with the Tree Compliance Agreement.

Date

Signature of Property Owner

Date

Signature of Property Owner

LOT # _____ RIBAUT ISLAND

RIBAUT ISLAND DESIGN REVIEW COMMITTEE

P.O. Box 23094, Hilton Head Island, SC 29925

(Page 1 of 3)

DRC/ HOMEOWNER / CONTRACTOR APPROVAL / AGREEMENT

Date:

File No.

Legal Address:

Project Description:

Mailing Address:

1. New Construction

2. Additions

3. Exterior Alterations

TO:

4. Bulkhead

5. Dock

6. Other

Owner:

Architect/Designer:

Contractor/Builder:

Approval is granted, as per certain recorded Covenants, for the construction of a (residence, addition, pool, bulkhead, exterior alterations) subject to the acceptance by the owner and the builder, as evidenced by their signatures on this document, of the following conditions:

1. The construction will be in accordance with the drawings and application (materials and colors) submitted to and approved by the Design Review Committee (DRC) with the exception of these changes (if any): _____.
2. The construction will be situated upon the lot in accordance with the approved site plan dated _____. Do not remove any trees larger than three (3") inches in diameter, which are outside the footprint of the house except the trees marked by an X on the approved site plan.
3. Drainage swales, culverts, retaining walls, etc., will be installed whenever this construction adversely affects the drainage of the natural water shed or causes excessive runoff to adjacent properties. Adequate measures shall be taken to protect adjacent properties against damage during construction and the owner(s) of such properties shall be entitled to inspect for any damage and present their claims prior to any release of the bond. (See Item 4.) Any damage done to the roadways, curbs, gutters, walkways, bicycle paths and common and adjacent properties during this construction will be repaired. Failure to make adequate repairs may result in a fine being levied against the deposit. Photographs of the curbs and road within the property lines shall be taken by the DRC prior to construction and again after completion. Further, inspection of the site and written approval by the DRC shall be required prior to the release of any portion of the deposit.

APPENDIX G

APPROVAL/AGREEMENT

LOT NO.: _____

(Page 2 of 3)

4. No work will be started until a _____ Dollar \$ _____) deposit has been made. This deposit will be held by the DRC or the POA in a bank account until the construction has been completed and after all conditions and approvals are fulfilled to include completion of all work as approved by the DRC or within one year of construction's start (issuance of building permit) when it will be refunded, less any fines imposed, to the property owner. This deposit is also the owner's guarantee of compliance with all rules and regulations regarding construction, tree removal, placement of portable toilets, refuse containers and maintaining a trash and litter-free construction site. Whenever the job site is not adequately policed, the owner will be notified and must clean up the job site within three (3) days. If this is not done, the clean-up will be done by others and the cost of doing this will be billed to the owner.
5. No changes in exterior appearance, materials or colors are to be made until prior approval has been secured by you from the DRC.
6. Since the flood plain regulations now require finish floor elevations considerably above the existing ground level, new houses are unattractive unless the foundation along the perimeter of the house is screened with plantings. Therefore, the owner is expected to have landscaping completed prior to final DRC inspection of the property.
7. The parties hereto do hereby accept and approve these conditions pursuant to the approval documents. This approval is limited to design criteria established by the DRC as provided by the Covenants and should not be interpreted as approval of any variation from the Covenants unless so noted herein. The owner is responsible for being within the restrictive covenants. Failure to comply with this agreement and/or the Declaration of Covenants, Conditions, Restrictions and easements for Ribaut Island may result in forfeiture of the entire deposit plus accrued interest.

Signature: _____

Property Owner

Property Owner

Date: _____

Signature: _____

Builder or Contractor

Date: _____

This letter must be signed by the owner and by the builder and returned to the Administrator or the DRC with the deposit made payable to Ribaut Island Property Owners' Association, Inc.

APPROVAL/AGREEMENT

LOT NO.: _____

(Page 3 of 3)

NO CONSTRUCTION MAY START UNTIL THE FINAL STAKEOUT HAS BEEN INSPECTED BY THE DRC AND FINAL APPROVAL HAS BEEN GIVEN.

This approval expires one year after the above date unless construction is in progress.

APPROVED EXTERIOR COLORS:

Wood Siding _____

Stucco/Brick _____

Fascia, Trim _____

Front Door _____

Band Board _____

Roofing _____

Acceptance of this agreement as noted by the signatures of the owner and the contractor is noted and approval is granted to start construction subject to the rules established in the Ribaut Island Property Owners Guidelines.

Design Review Committee Chairperson

Dated: _____

RIBAUT ISLAND DESIGN REVIEW COMMITTEE

P.O. Box 23094, Hilton Head island, SC 29925

TREE REMOVAL APPLICATION/PERMIT

Date: _____ Lot #: _____ Ribaut Island Address: _____

Property Owner: _____

Mailing Address (if different from above): _____

Phone: _____ Fax: _____

Tree Service Contractor: _____

Phone: _____ Fax: _____

INSTRUCTIONS:

1. Complete and sign form. Mail to address above.
2. Complete form below indicating species and size in the same row as reason for removal.
3. Include a property sketch or marked site plan to locate the specific tree(s) to be removed in relation to the home or other features of the property.
4. Mark the tree(s) with **RED RIBBON** to clearly indicate the tree(s) in question and facilitate inspection by the DRC members.
5. This application will be reviewed no later than the next regular DRC meeting. If approved, the validated permit will be returned to the applicant to authorize removal.
6. No tree removal is permitted without authorization. If the work is to be performed by contract, the contractor must have the validated permit in hand before work is started.
7. If items 3 or 6 below are selected as reason, please explain in detail on reverse side of form or attachment.

REASON	TREE 1 (Species/Size*)	TREE 2 (Species/Size*)	TREE 3 (Species/Size*)
1. Dead			
2. Damaged Beyond Repair			
3. Danger to Person or Property			
4. Disease			
5. Infestation			
6. Aesthetics (e.g. Obstruction of View, Unattractive, etc.)			
Proposed Replacement			

*Size is the diameter of the tree four (4') feet above ground

Signed: _____ Approved/Disapproved _____
Applicant DRC Member

Date: _____ Date: _____

(Contractor Regulations Sign Sample)

NOTICE TO ALL CONTRACTORS & WORKMEN

NO SMOKING IN HOUSES

NO LOUD RADIOS

SHIRTS MUST BE WORN AT ALL TIMES

CLEAN UP JOBSITE & STREET DAILY

NOTE JOBSITE WORK HOURS:
MONDAY- FRIDAY: 7:00 – 7:00
SATURDAY: 8:00- 5:00

NO WORK PERMITTED ON SUNDAYS,
THANKSGIVING, CHRISTMAS OR NEW YEAR'S DAY

APPENDIX I

RIBAUT ISLAND DESIGN REVIEW COMMITTEE

P.O. Box 23094, Hilton Head Island, SC 29925

(Page 1 of 2)

APPLICATION FOR APPROVAL OF EXTERIOR ALTERATION

Submit to:
Ribaut Island
Design Review Committee
Post Office Box 23094
Hilton Head Island, SC 29925

Date: _____

Address of Construction:
Legal/Lot No.: _____ Ribaut Island

Mailing: _____

EXTERIOR ALTERATION:

- _____ Repaint/re-stain
- _____ Landscape alteration/addition
- _____ Bulkhead
- _____ Addition
- _____ Pool
- _____ Re-roof
- _____ Hurricane shutters
- _____ Other:

OWNER:

Name: _____

Address: _____

Phone/Fax: _____

FOR REVIEW BOARD USE ONLY

ARCHITECT or DESIGNER:

Name: _____

Address: _____

Phone/Fax: _____

PRELIMINARY APPROVAL

Action	Date
Stake Out _____	

CONTRACTOR or BUILDER:

Name: _____

Address: _____

FINAL APPROVAL BY DRC:

Stake-out _____

Phone/Fax: _____

Plans _____

Submitted By: _____

SIGNIFICANT ADDITIONS REQUIRE THE SAME GUIDELINES AS NEW CONSTRUCTION. COLOR SAMPLES MUST BE SUBMITTED WITH APPLICATION. THREE (3) SETS OF DRAWINGS AND THREE (3) COPIES OF THIS APPLICATION MUST BE SUBMITTED.

APPENDIX J

RIBAUT ISLAND DESIGN REVIEW COMMITTEE

P.O. Box 23094, Hilton Head Island, SC 29925

(Page 1 of 2)

FEE AND DEPOSIT SCHEDULE

Review Fees

A **nonrefundable** fee must accompany any application noted below that is submitted to the DRC for review/approval. Preliminary submissions require payment of the review fee. No submittal will be accepted for DRC review without the required fee paid as follows:

- Single family residence - \$1,200
- Major additions - \$1,000
- Demolition (50% or more of structure) – \$1,000

FEE AND DEPOSIT SCHEDULE

LOT NO.: _____

(Page 2 of 2)

Compliance Deposits (Escrows)

A refundable compliance deposit must be provided prior to the start of construction. The deposit, or a portion thereof, may be refunded upon final inspections. Any fines for violations during the construction process will be paid from the deposits.

New Construction or Demolition-Homeowner	\$5,000.00
New Construction-General Contractor	\$5,000.00
Landscape Contractor	\$1,000.00
Significant Alterations-Homeowner	\$1,000.00
Minor Alteration – Homeowner	\$ 500.00
Significant Alterations-General Contractor	\$1,000.00
Pools	\$1,000.00
Construction Violation Fines	See Section XIII for a complete list

RIBAUT ISLAND DESIGN REVIEW COMMITTEE
P.O. Box 23094, Hilton Head Island, SC 29925

Name _____

Lot# _____

Final Inspection Checklist and Approval Form

- _____ 1. Portable toilet, dumpster removed from property.
- _____ 2. Exterior of house must be complete in all respects.
- _____ 3. Landscaping complete as approved on plan, including:
 - ✓ number of plantings;
 - ✓ any required special grading or hardscape features;
 - ✓ No bare earth areas are allowed;
 - ✓ All ground cover shall be in place. Ground covers extend to property lines if not otherwise planted or sodded;
 - ✓ All sod in place;
 - ✓ All landscaping debris removed from site.
- _____ 4. Driveway is located per plan and materials and spacers are same as approved application.
- _____ 5. Exterior material and colors of dwelling are same as approved application including exterior walls, light fixtures, trim and roofing.
- _____ 6. Windows and doors are same as approved application with respect to size, placement, number and design.
- _____ 7. Debris is removed from common area or any adjacent properties.
- _____ 8. Damage to road pavement, curbs and right of ways (TBD by HHP and the DRC).
- _____ 9. No unauthorized removal of tree(s).
- _____ 10. Town of Hilton Head Certificate of Occupancy received.
- _____ 11. Ribaut Island Mailbox installed.

Final inspection approved/disapproved by: (Please circle status)

Signature

Date

Signature

Date

Fines assessed: _____

APPENDIX L

Ribaut Island Design Review Committee

BUILDING PERMIT

TO BE POSTED WITH VALID TOWN OF HILTON HEAD BUILDING PERMIT

LOT LOCATION

PROPERTY OWNER

CONTRACTOR

CONTRACTOR'S EMERGENCY PHONE NO.

PERMIT NO.

ISSUED DATE:

BY

Appendix M